

In re ) Fair Hearing No. 21,053  
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Appeal of )

The petitioner appeals the decision of the Department for Children and Families, Health Access Eligibility Unit (HEAU) terminating her husband's eligibility for Vermont Health Access Program (VHAP) benefits. The issue is whether the household's income exceeds the program maximum.

1. The petitioner lives with her husband and their three children. Prior to September 2007 the petitioner and her husband received VHAP benefits and their children received medical coverage under the Dr. Dynasaur program. In June 2007 the petitioner reported that she was pregnant, and she was added to her children's Dr. Dynasaur coverage based on her pregnancy. Her husband remained on VHAP.

2. Following a periodic review of their eligibility in July 2006, the Department sent a notice terminating the petitioner's husband's VHAP effective September 1, 2007. The

petitioner and her three children remained eligible for Dr. Dynasaur.

3. At a hearing held on November 1, 2007 the petitioner's husband did not dispute the Department's determination that their countable household income as of July 2007 was over \$5,000 a month, which is well in excess of the VHAP maximum of \$3,721 for a five-person household with minor children.

4. It appears that much of the family's income is from the husband's self-employment, which he reports annually. The petitioner also receives child support. At the hearing the petitioner's husband alleged that his income has decreased since July. He was advised that he could reapply for VHAP on this basis.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations, all child support (minus a \$50 a month "pass through") and earned income from wages and self-employment, except a \$90 disregard per worker, is included as countable income for eligibility. W.A.M. § 4001.81(b). There is no dispute that at the time of their

review the petitioner and her husband had countable income in excess of the maximum for eligibility under the VHAP program for a five-person family, which as of January 1, 2007 is \$3,721. P-2420 B. Thus, the Department's decision finding the petitioner's husband ineligible for VHAP based on their July 2007 review must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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